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January 9, 1998

Magalie Roman Salas
Secretary
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Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

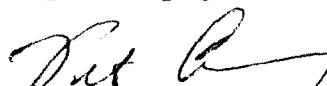
Re: C.C. Docket No. 95-116

Dear Ms. Salas:

Herewith transmitted, on behalf of United States Cellular Corporation, and in response to the Commission's public notice of December 9, 1997 (DA 97-2579) are an original and four copies of its comments on the petition filed by the Cellular Telephone Industry Association.

In the event that there are any questions concerning this matter, please communicate with this office.

Very truly yours,


Peter M. Connolly

Enclosures

cc (w/encl.): Janice Jamison, Esq.
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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)
) C.C. Docket 95-116
Telephone Number Portability)

To: The Wireless Bureau

**COMMENTS OF UNITED STATES
CELLULAR CORPORATION**

United States Cellular Corporation ("USCC") hereby supports the "Petition For Extension of Implementation Deadlines" filed by the Cellular Telecommunications Industry Association ("CTIA"). USCC owns and/or operates cellular systems in 43 MSA and 100 RSA markets. Four of USCC's MSA markets, namely Milwaukee (non-wireline), Tulsa (wireline), Knoxville (wireline), and Davenport (non-wireline), are "top 100" MSAs in which "service provider" number portability must be provided by June 30, 1999.¹ Accordingly, USCC has a considerable interest in any action the Wireless Bureau may take to extend the applicable deadlines for the provision of number portability by wireless carriers.

I. CTIA Has Made A Strong Case
That The Deadline For Providing
Wireless Service Provider Number
Portability Should Be Extended

USCC agrees with and supports CTIA's request that the June 30,

¹ See First Memorandum Opinion and Order, 12 FCC Rcd 7236, 7313 (1997).

1999 deadline for service provider number portability be delayed until March 31, 2000.

In CTIA's petition and its attachment, the detailed Declaration of Arthur L. Prest, the unique difficulties of wireless carriers implementing service provider number portability are set forth in painstaking detail. Those documents describe the steps the wireless industry has taken to comply with this mandate and the impossibility of meeting its requirements by the present June 30, 1999 deadline.

In order to implement "service provider" number portability, the wireless industry will have to change its present method of verifying the identity and legitimacy of every wireless telephone in the country. In order to do this, the present wireless "Mobile Identification Number," the "MIN" will have to be split into two numbers, the MIN, which will remain to identify the customer's home system and the Mobile Directory Number ("MDN"), a new 10 digit number which will be the customer's permanent dialable telephone number regardless of his or her system. Making this change and implementing the system hardware and software upgrades which also will be necessary have proven to be very difficult to accomplish. As CTIA points out, considerable progress has been made, but, given the need for product development and necessary testing, evidently

there is no chance that the transition can be completed by the June, 1999 deadline.

As CTIA is correct that no service provider number portability solution will exist before at least the year 2000, it is bad public policy to force CMRS carriers to expend very considerable resources in a vain attempt to comply with the mandate by the present deadline and then to hold them responsible for rule violations if they cannot meet the requirements.

There are two additional reasons why the FCC ought to grant the requested extension of time. First, contrary to the Commission's actions in implementing the Section 251(b) number portability obligations of local exchange carriers, the FCC's action imposing number portability obligations on CMRS carriers in the first instance was not taken pursuant to any specific statutory mandate. Rather, it was an exercise of the Commission's independent discretionary authority under the Communications Act.² Accordingly, the Wireless Bureau has the freedom to exercise its discretionary authority to delay a mandate which cannot be met by the initial deadline, despite best efforts on the part of all CMRS carriers and their industry association.

² See First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8355 (1996).

Second, the FCC itself implicitly recognized in the initial number portability Report and Order the difficulty of the task it was giving to the wireless industry and, anticipating that an extension might be necessary, delegated to the Wireless Bureau the right to extend the deadlines for up to nine months.³ Given a good faith attempt at compliance by the industry, the Wireless Bureau ought to grant any necessary extension.

Conclusion

For the foregoing reasons, and those given by CTIA in its carefully documented filing, the Wireless Bureau should delay until March 31, 2000, the imposition of service provider number portability obligations on CMRS carriers.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

By: 

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January 9, 1998

Its Attorneys

³ Ibid, at 8440.